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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/533,919

04/21/2006

David A. Blaker

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EXAMINER

SYED, NABIL H

ART UNIT

PAPER NUMBER

2612

MAIL DATE

DELIVERY MODE

01/04/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/533,919	Applicant(s) BLAKER, DAVID A.	
	Examiner Nabil H. Syed	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 April 2006.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) ✓            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)     | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) ✓ | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 12-9, 22, 26 and 29-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Desai (6,377,173).

As of claim 12, 15, 16, 18, 19, 22, 26, 29 Desai discloses a trainable transceiver system, comprising:

a trainable transceiver fixedly coupled to a vehicle interior element configured to receive a characteristic of an activation signal(via the control 22 fixed to a vehicle receiving the wireless RF signal from a control 30 of a garage door and learning the frequency and code from the received signal; see fig. 1; also see col. 2, lines 24-35), to store the characteristic of the activation signal in a memory (via control 22 storing the

received frequency and code ; see col. 2, lines 35), and to retransmit the characteristic of the activation signal via an RF signal (via control 22 transmitting the signal to a key/fob 37; see fig. 1; also see col. 2, lines 45-46); and a portable transmitter (via a key/fob 37) configured to receive the characteristic of the activation signal from the trainable transceiver via the RE signal, to store the activation signal characteristic, and to retransmit the stored activation signal characteristic (via key/fob 37 receiving the LF (which is a radio frequency signal in the range of 30-300 kHz) signal from the control 22 and storing the code of the garage door and later transmitting the code to activate the garage door; see col. 2, lines 44-64; also see fig. 1).

As of claim 13, Desai discloses that portable transmitter comprises a fixed radio frequency receiver circuit configured to receive the retransmitted characteristics of the activation signal on a fixed radio frequency (via a LF receiver 43; see fig. 3; also see col. 2, lines 60-64).

As of claims 14 and 30, Desai discloses that receiver in the key/fob could be a broadband receiver which receiver signals at a plurality of frequency (Note: Desai discloses that the receiver at the key/fob combination could be a scanning receiver, which receives the signal and learns the operating frequency and code from the signal

As of claim 17, Desai discloses that the code communicated between the vehicle control 22 and key/fob 37 is encrypted (see col. 3, lines, 20-23).

As of claim 31, Desai discloses that the RF receiver in key/fob 37 is a narrowband receiver (via a LF receiver 43; see fig. 3; also see col. 2, lines 60-64)

**Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-11, 20, 21, 23-25, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Desai (6,377,173) in view of Shannon (US Pub 2002/0113686).

As of claims 1-5, 7, 8, 10, 11, 21, 23, 24, 27 and 28, Desai discloses a trainable transceiver fixedly coupled to a vehicle interior element configured to receive a characteristic of an activation signal(via the control 22 fixed to a vehicle receiving the wireless signal from a control 30 of a garage door and learning the frequency and code from the received signal; see fig. 1; also see col. 2, lines 24-35), to store the characteristic of the activation signal in a memory (via control 22 storing the received frequency and code ; see col. 2, lines 35), and to retransmit the characteristic of the activation signal (via control 22 transmitting the signal to a key/fob 37; see fig. 1; also see col. 2, lines 45-46); and a portable transmitter (via a key/fob 37)configured to receive the characteristic of the

activation signal from the trainable transceiver, to store the activation signal characteristic, and to retransmit the stored activation signal characteristic (via key/fob 37 receiving a wireless signal from the control 22 and storing the code of the garage door and later transmitting the code to activate the garage door; see col. 2, lines 44-64; also see fig. 1).

However Desai fails to disclose that the trainable transceiver and the portable transmitter are able to communicate optically.

Shannon discloses a transceiver 10 for transmitting and receiving the signals wherein the wireless communication between the transceiver 10 (portable transmitter) and the device 14 (vehicle controller) is performed optically, since the communication is performed optically the device 14 and transceiver 10 both has the ability of optical transmission and reception (see figs. 1-4; also see paragraph [0034]).

From the teaching of Shannon it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the trainable transceiver system of Desai to include the process of optical transmission as taught by Shannon since infra-red signal consumes less power in transmitting the signal and it does not have as many restrictions on the signal characteristics because it does not fall under the control of the Federal Communications Commission (see paragraph [0005], 17-21).

As of claim 6, Shannon discloses that transmitters may include a light emitting diode (see [paragraph 0047], lines 12-16).

As of claim 9, 20 Shannon discloses that transceiver 10 (portable transmitter) can be trained to learn the signal formats of other remote transmitters (see paragraph [0039]).

As of claim 25, Desai discloses that control 22 further comprises operator input (via key pad 25) where user enters the code to send a signal to the garage door (see col. 2, lines 35-41).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nabil H. Syed whose telephone number is 571-270-3028. The examiner can normally be reached on M-F 7:30-5:00 alt Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman can be reached on (571)272-3059. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

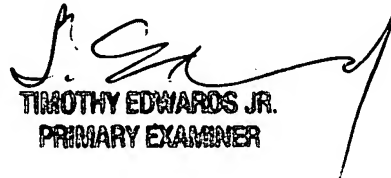
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nabil H Syed  
Examiner  
Art Unit 2612

N.S

  
TIMOTHY EDWARDS JR.  
PRIMARY EXAMINER